

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS ROOM, 8TH FLOOR, CITY HALL, HAMPTON, VIRGINIA, ON MARCH 8, 2004 AT 3:30 P.M.

PRESENT: Chairman Harold O. Johns; Vice-Chairman Timothy B. Smith; and Commissioners Ralph A. Heath, Perry T. Pilgrim, Katherine K. Glass, George E. Wallace, and Randy Gilliland

ABSENT: None

ROLL CALL

A call of the roll noted all members present.

ITEM I. MINUTES

There being no additions or corrections, a motion was made by Commissioner Katherine K. Glass and seconded by Commissioner Ralph A. Heath, to approve the minutes of the February 9, 2004 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

ITEM II. STAFF REPORTS

A. Youth Planner Report

Ms. Alicia Tundidor, Youth Planner, stated in the month of February, the Youth Planner interviews were held, and they successfully hired a new junior Youth Planner, Mr. Jacob Berg. Mr. Berg is a junior at Hampton High School and will complete this term and also take over as Senior Youth Planner in the summer. She stated with a lot of hard work, Mr. Berg will be the primary person over the Teen Center Subcommittee. During the month of February, the Hampton Youth Commission held a website charrette in order to gain youth input on what the upcoming youth website should look like. To further this endeavor, the Youth Commission, along with the Information Technology Department (IT) has hired a junior from Kecoughtan High School to serve as Website Coordinator. This person is tasked with designing the website based on input from local youth. Ms. Tundidor stated she met with the neighborhood group when the Urban Design Associates came to Hampton asking for input from the young people on what the Coliseum Central area should look like. The inclement weather had discouraged many young people from attending. Ms. Tundidor stated she traveled to Orlando, Florida last week to do a follow-up training with groups from Norfolk, Philadelphia, Dallas, Saginaw, and Salt Lake City. The cities were recipients of the Met Life grant,

which was introduced by the National League of Cities last November. Ms. Tundidor, along with Ms. Cindy Carlson, Mr. Rich Goll, and Youth Commissioner Ashely Huggar, trained the groups on issues ranging from youth engagements and youth and adult partnerships to how to hold diversity forums. Ms. Tundidor stated as we head into March, she and Mr. Berg are gearing up for the upcoming Youth Commission sponsored Candidates Forum for those running for the position of Mayor and City Council. Questions will be geared around youth-related issues. Students who meet the age requirement by Election Day will be able to register to vote. Currently, the Youth Planners and Youth Commission are lobbying for school support to increase the attendance at night. She will keep the Commission posted on the outcome. She thanked the Commission for their time, and entertained questions or comments.

ITEM III. PRELIMINARY SUBDIVISIONS

Mr. Terry O'Neill, Secretary to Planning Commission, read the non-public hearing items on the agenda for preliminary subdivisions:

- A. **Hayes Farm Estates** a 7.54± acre One-Family Residence (R-11) proposed subdivision fronting 70'± on the west side of Big Bethel Road, beginning 1,600'± south of its intersection with Saunders Road, containing up to 20 single-family lots.

There being no discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, Hayes Farm Estates preliminary subdivision, a proposed 7.54± acre residential development fronting 70'± on the west side of Big Bethel Road, beginning 1600'± south of its intersection with Saunders Road, with a maximum depth of 870'± and a maximum width of 480±, with access from Big Bethel Road; and

WHEREAS: The property is zoned One-Family Residence District (R-11) which allows a minimum of 9,000 square foot lots with 70 feet of frontage and 1,700 square foot dwellings; and

WHEREAS: The property is also governed by the conditions of Rezoning Application No. 1173 that the buildings constructed will be similar to the homes built in the Benjamin's Landing subdivision, and a minimum of a 15-foot landscape buffer will be provided along the western boundary of lots 8-11.

WHEREAS: The subdivider, Hampton Roads Development, seeks conditional approval of up to twenty single family lots, as shown on the preliminary subdivision plat of Hayes Farm Estates, dated February 17, 2004; and

WHEREAS: The subject subdivision plat is in conformance with the 2010

Comprehensive Plan which recommends low density residential development for the area where the proposed subdivision will be located; and

NOW, THEREFORE, on a motion by Commissioner Katherine Glass, and seconded by Commissioner Timothy Smith;

BE IT RESOLVED that the Hampton Planning Commission recommends that Hayes Farm Estates preliminary subdivision plat be approved up to twenty single family residential lots, as being in conformance with the 2010 Comprehensive Plan.

A roll call vote on the motion resulted as follows;

AYES:	Smith, Pilgrim, Heath, Glass, Gilliland, Wallace, Johns
NAYS:	None
ABST:	None
ABSENT:	None

- B. **The Gardens at Howe Farms, Sections 3, 4 & 5** a proposed 24.2+ acre One-Family Residence (R-11) subdivision located at the terminus of South Farm House Lane, containing up to 46 single family lots.

In response to a question by Commissioner Pilgrim, Mr. Newsom stated ingress and egress will be from Holiday Park as well as the Gardens at Howe Farms.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, The Gardens at Howe Farms Section 3, 4 & 5 preliminary subdivision, is a proposed 24.2 ± acre residential development located 1,100'± east of Harris Creek Road at its intersection with South Farm House Lane, with a maximum width of 800'± and maximum depth of 1,200'±, with access from South Farm House Lane and Harris Landing Road; and

WHEREAS: The property is zoned One-Family Residence District (R-11) which allows a minimum of 9,000 square foot lots with 70 feet of frontage and 1,700 square foot dwellings; and

WHEREAS: The subdivider, Kicotan Co. Inc., seeks conditional approval of up to forty-six single family lots, as shown on the preliminary subdivision plat of The Gardens at Howe Farms, Sections 3, 4 & 5, dated February 19, 2004; and

WHEREAS: The subject subdivision plat is in conformance with the 2010

Comprehensive Plan which recommends low density residential development for the area where the proposed subdivision will be located; and

NOW, THEREFORE, on a motion by Commissioner Katherine Glass, and seconded by Commissioner Ralph Heath;

BE IT RESOLVED that the Hampton Planning Commission recommends that The Gardens at Howe Farms, Sections 3, 4 & 5 preliminary subdivision plat be approved up to forty-six single family residential lots, as being in conformance with the 2010 Comprehensive Plan.

A roll call vote on the motion resulted as follows;

AYES:	Smith, Pilgrim, Heath, Glass, Gilliland, Wallace, Johns
NAYS:	None
ABST:	None
ABSENT:	None

- C. **Tsakis Estates** a 71.8± acre One-Family Residence (R-33) proposed subdivision fronting 835'± on the north side of Beach Road, beginning 400'± east of its intersection with Grundland Road, containing up to 20 single family lots and 1 parcel to be retained by the current owners.

Mr. Matt Newsom, City Planner, presented a staff report, a copy of which is attached hereto and made a part hereof.

In response to a question by Commissioner Smith regarding public access through the boat ramp, Mr. Newsom stated the property does not have public access and permission would have to be given by the landowners to get to the boat ramp.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day, Tsakis Estates preliminary subdivision, a proposed 71.8 ± acre residential development fronting 835' ± on the north side of Beach Road, located 400'± east of its intersection with Grundland Road, with a maximum width of 950'± a maximum depth of 4,300'± and is bounded to the west by the Grundland Creek and to the east by the Long Creek, with access from Beach Road; and

WHEREAS: The property is zoned One-Family Residence District (R-33) which allows a minimum of 33,000 square foot lots with 120 feet of frontage and 2,000 square foot dwellings; and

WHEREAS: The subdivider, Nanette Phillips, seeks conditional approval of up to twenty single family lots, and 1 parcel (Parcel A) to remain the property of the current owners, not to be developed at this time, as shown on the preliminary subdivision plat of Tsakis Estates, dated February 25, 2004; and

WHEREAS: There was some discussion regarding disturbance into the wetlands, and the fact that permits must still be granted by the United States Army Corps of Engineers (USACE), as well as the Virginia Department of Environmental Quality (DEQ). It was understood that if the proposed subdivision changes substantially due to regulatory requirements imposed by USACE or DEQ, that it will come back before the Hampton Planning Commission.

WHEREAS: The subject subdivision plat is in conformance with the 2010 Comprehensive Plan which recommends low density residential development for the area where the proposed subdivision will be located; and

NOW, THEREFORE, on a motion by Commissioner Katherine Glass, and seconded by Commissioner Ralph Heath;

BE IT RESOLVED that the Hampton Planning Commission recommends that Tsakis Estates preliminary subdivision plat be approved up to twenty single family residential lots, as being in conformance with the 2010 Comprehensive Plan.

A roll call vote on the motion resulted as follows;

AYES:	Smith, Heath, Glass, Gilliland, Wallace, Johns
NAYS:	Pilgrim
ABST:	None
ABSENT:	None

ITEM IV. PUBLIC HEARING

Mr. O'Neill read the next public hearing item notice on the agenda as advertised in the Daily Press on February 23, 2004 and March 1, 2004.

- A. **Rezoning Application No. 1175** by Moore & Sarfan Associates to rezone 9.46± acres located generally at the terminus of Benthall Road and adjacent to the Colonial Acres subdivision, from One Family Residence District (R-13) to One Family Residence District (R-9) to develop a single family subdivision of up to 26 lots. The 2010 Comprehensive Plan recommends low density residential uses for this area. R-13 allows single family uses at a density of 2.5 to 3.5 units per acre. R-9 allows single family uses at a density of 5.0 to 6.5 units per acre.

Mr. Mayer Sarfan, applicant, stated he spent much time working with Mr. Haughton and has agreed to everything that was suggested. He recalled to the Commission this issue being addressed in November of 2003. His property backs up to the Benthall property where Andrews Boulevard is proposed to extend through and approximately forty-feet has been taken from his subdivision. He has been granted a variance, and distributed the plat to the Commission. He stated approximately six lots were granted a variance of less than 12,000 square feet. Several of the lots were 9,000+ square feet. He has agreed to develop twenty-two lots instead of twenty-six lots at R-11 standards instead of R-9. He stated he has complied with Mr. Haughton's request and submitted pictures of the houses he will build, and he is prepared to do anything that Mr. Haughton subsequently wants him to do. He stated he was not able to meet with the property owners, but his son met with them, and some property owners seem receptive to the changes, but others prefer to have a park. He is prepared to comply with any environmental constraints, which he stated is not an issue for the Planning Commission. He thanked Mr. Haughton publicly for his assistance.

In response to a question by Commissioner Smith regarding the proffered statement showing twenty-six lots, Mr. Sarfan stated it has been changed.

In response to a question by Mr. Sarfan, Mr. Haughton stated he cannot change the proffer.

Commissioner Smith stated it is his understanding that without a revised proffer with Mr. Sarfan's signature, the Planning Commission cannot approve the rezoning as a legal document.

Mr. Sarfan stated he thought the issue had been worked out. Mr. Haughton stated the issue was discussed, but he does not have the authority to change a proffer.

Mr. Haughton presented the staff report, a copy of which is attached hereto and made a part hereof. He stated staff requests the Planning Commission recommend to City Council denial of Rezoning Application No. 1175 as submitted. Staff could recommend approval if the property were rezoned from R-13 to R-11 with modified proffers that clearly state the proposal will comply with the R-11 lot area and set back regulations, and the minimum dwelling size proffered with the application is 2,200 square foot heated space plus 400 square feet attached garages.

In response to clarification, Mr. Haughton concurred with Mr. O'Neill that given the application as it currently stands with the signed conditions proffered by the applicant, staff does not support this application. Staff's position is that they have come to a verbal agreement as indicated by Mr. Sarfan that staff would support the revised proffers, although there is no signed set of conditions which guarantees those proffers will be performed.

In response to a question by Commissioner Pilgrim, Mr. Haughton stated they do have the 2,200 square feet heated space, and crawl space, but the missing piece is an agreement of less lots that has not been submitted.

Commissioner Gilliland stated given that staff does not have the legally signed proffers in spite of Mr. Sarfan's verbal agreement, it leaves the Commission with two options which is to defer or to deny.

Mr. O'Neill stated there are actually three options which is the application can be approved as is, denied as is, or deferred as is. It may be the Commission's desire to get the conditions consistent with what staff and Mr. Sarfan discussed and agreed upon, which takes a deferral to proceed.

In response to a comment made by Commissioner Gilliland for clarification to the most recent information for the speakers on the request, Mr. Haughton stated the current zoning change is from R-13 to R-9 as requested. Staff will support a zoning change from R-13 to R-11 with a building size of 2,200 square feet, plus 400 square foot attached garage, crawl space, and elevations.

In response to a question by Commissioner Gilliland, Mr. Haughton stated the minimum square footage for R-11 is 1,700 square feet of dwelling size, or 1,500 dwelling size with a credit of 200 square feet for an attached garage, but the applicant is proposing 2,200 square feet of dwelling size with a 400 square foot garage.

Ms. Daneen O'Keefe, 42 Chowning Drive, stated she would like to see the property remain R-13 and she has seen the proffers given by Mr. Sarfan. She stated to try to make any further determination about what could be expected without a new diagram that shows the larger lots will give a better visual of the property.

Ms. Betty Sirine, 63 Chowning Drive, stated she will relinquish her time to her husband, Mr. Sirine.

Mr. Bill Sirine, 63 Chowning Drive, stated he is here as he was on November 10, 2003 to deny the application once again. He addressed his concerns of the property being environmentally sensitive and that it is one of a few open spaces that still remain in the area. He stated approximately two-thirds of the area flooded during Hurricane Isabel including Mr. Sarfan's property. He stated R-13 creates impervious surface (i.e. roof top, driveway, decks, walkways) and if the density of impervious surface coverage is increased on the proposed property, it puts the property in jeopardy. He stated with all the issues involved in the development of the proposed property, no efforts have been made to show how the preliminary engineering handles the discharge water, surface drainage or BMP. He believes that high income houses need to be brought back into the city. He addressed the elevations and crawl space of the property and he had concerns regarding the proffers. He distributed to the Commission a sketch showing buildable area lots on the proposed property, and his concerns regarding the RPA buffer lines on the lot setbacks.

Mr. Rusty Kellam, 11 Stirrup Court, distributed a study to the Commission that he researched himself regarding the ingress/egress into the proposed area and the current road structure. His concerns addressed the impact of the limited space for vehicles traveling through two-way traffic in the neighborhood, and that the roads are not adequate to the neighborhood. He stated since the number of lots proposed were sixteen, he asked the Commission to keep it at sixteen because of the flooding that impacts the properties in the area. He asked the Commission to deny the application.

Mr. Ted Chopin, 49 Chowning Drive, President of Colonial Acres Canal Preservation, stated he is concerned about what they do not know, in determining the number of houses. He stated the run-off is coming into the canal and it is because of the number of houses. He asked that the Commission maintain the R-13 zoning and minimum density of houses on the proposed property as possible. He stated he cannot speak for the association because they did not give feedback to him since they received the proposed change. He stated more dense houses is going to increase the potential negative impact over the negative impact that is already seen on a day to day basis with regard to the canal and the water that backs up behind Chowning Drive.

Mr. David Wright, 316 Benthall Road, stated he does not see where the roads can adequately supply the means of vehicles getting in and out of the neighborhood. Within the last two years, his water pressure has decreased dramatically due to the development of houses. The impact of twenty-two houses on utilities, water and sewage needs to be addressed. He does not see a reason to change the zoning from R-13 to R-11 and it does not improve the City of Hampton by downgrading zoning.

Ms. Lisa Curtain, 68 Chowning Drive, stated if the Commission had reviewed Colonial Acres some years ago, they would have seen the abundance of wildlife, and clear water, which is not seen anymore. She challenged the Commission to go to the area, walk along the water and see the oil and erosion of marsh grass. She does not want to see any small homes on the proposed site. She stated there are no trees or open space in the area, and enough is enough. She stated the area has become so crowded in the last two years that there is no space for people to actually live anymore. She asked the Commission to hear their voices and take into consideration what they have to say.

Mr. David Jones, 422 Hunlac Avenue, stated there is a problem with the water in his area. He has built a structure in his yard, with a nine foot elevation which came close to flooding during the storms and that it is a tremendous water barrier.

Mr. William Floyd, 1750 Carriage Drive, stated he echoes the voices of his neighbors that there is a tremendous water problem in his area. He feels that if the houses are rezoned from R-13 to R-11 it is going to increase the problem and asked that the property remain R-13.

Mr. Tom Divine, 66 Chowning Drive, stated his concern is runoff from the development to the canal. He attended the meetings with Mr. Sarfan and the

neighborhood commissions regarding prevention of runoff into the canal. There has been some talk regarding a holding pond, which is an environmental and safety concern for the children. He asked the Commission before taking any action to approve the proposal for R-13, to get a serious commitment from Mr. Sarfan of what the plat will look like and go from there.

Ms. Phyllis Bennett, 5 Stirrup Court, addressed her concerns regarding water surrounding the trees, and rain that comes which makes the area like a swamp. She discussed storms which has damaged her home and the large amounts of funds she had to spend to repair it. She believes that behind her area is wetlands, and she has seen different types of animals and birds, and asked if the Commission could see if it is wetlands behind her home.

Mr. Jim Haug, President, Colonial Acres, Homeowners Association, stated he is disappointed to be here because the meeting would not have occurred if Mr. Sarfan had not made a last minute attempt and change his plan at the City Council meeting, and that he could have done a better presentation of his proposal. He stated the Colonial Acres Homeowners Association recommends denial of the proposal and believes the best plan is R-13. This was discussed at their Executive Board meeting last month, and the Commission should be consistent with the 2010 Comprehensive Plan. There are environmental and drainage concerns that affect the homeowners. The Homeowners Association asks that the Commission recommend denial of the application. If Mr. Sarfan wants to resubmit his proposal later, and come back once again and have everyone to rejoin him, which he believes will happen, they will revisit a third time.

Mr. Greg Twietmeyer, P. O. Box 3242, stated he owns property in the proposed area. He believed the land should be left as an environmental habitat because the animals find refuge in that area. He stated it would place a burden upon the people who will reside in the development who will not being able to get in or out of the subdivision whenever there is a northeaster, hurricane or rain. The residents are denied services by the Fire Department and ambulance services when Rogers Avenue or Fifth Street are flooded because they have no access to the area. He believes they are setting themselves up for a disaster because if someone's home is on fire during one of these hurricanes, because no one will be able to rescue the residents. He challenged Mr. Sarfan to step up and leave the property as an environmental refuge. It is a safe haven for the animals that uses the area, and he would be happy to name the area the Sarfan Environmental Refuge.

A motion was made by Commissioner Katherine K. Glass, and seconded by Commissioner Perry T. Pilgrim to extend the meeting beyond 5:00 p.m. A vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

Commissioner Gilliland stated there was a comment from one of the speakers regarding last minute proffers, drawings and plans from Mr. Sarfan as a pattern, and he believes that is true. He thanked Mr. Sarfan for all the development in the City of Hampton, but he has grown weary of the pattern himself because he has seen it at City Council as well as Planning Commission. He hopes that in the future, Mr. Sarfan can get his plans together and submit them at one time because there are people who have to take off from work and other things from their lives, and for them to do it multiple times is burdensome and not respectful to those people. He stated for future reference that Mr. Sarfan show more respect for the Commission, Council and people in the community. He stated in the ultimate scheme of things, it would be difficult to deny development on the property if it meets certain criteria.

After discussion, a motion was made by Commissioner Randy Gilliland, and seconded by Commissioner George E. Wallace, to defer Rezoning Application #1175 to the April 12, 2004 Planning Commission meeting. A roll call on the vote resulted as follows:

AYES:	Smith, Glass, Wallace, Gilliland, Johns
NAYS:	Heath
ABST:	Pilgrim
ABSENT:	None

Mr. O'Neill read the next public hearing agenda item.

- B. **Planning Commission Review** of an application to the Hampton School Board by Omnipoint/T-Mobile to construct a 150' high freestanding monopole communication tower and an equipment shelter at Barron Elementary School, 45 Fox Hill Road.

Mr. Terry O'Neill, stated this application is a Planning Commission review item. The School Board reviews the tower applications located on School Board sites and are the ultimate decision makers regarding towers on school properties. The Planning Commission is to provide a preliminary review of the applications because of their expertise in terms of land use, and to send a recommendation onto the School Board whether or not the Commission believes the application meets with the goals and objectives of the 2010 Comprehensive Plan and other planning related issues.

Mr. Nathan Holland, representing Omnipoint Communications, 5029 Corporate Woods Drive, Virginia Beach, Virginia, stated Omnipoint is proposing a 135' monopole tower with ground equipment at Barron Elementary School. The School and Planning staff has instructed Omnipoint to construct the tower at 150' to allow another carrier. Omnipoint met with the School Board's Facilities Manager and Planning staff at the site for the location of the tower. The site can be accessed from Plantation Drive which does not interfere with school activities. The tower will be screened, landscaped and maintained by Omnipoint. He showed slides of different towers installed by Omnipoint and samples of ground equipment that can be used at the site. Omnipoint needs to add

additional sites due to complaints from users and the service in the area, which is decreasing due to the residential nature of the area and trees which decreases the signal. The tower should not interfere with televisions, telephones, radios, because Omnipoint operates on a specific frequency which is governed by the FCC and FAA.

In response to a question by Commissioner Pilgrim, Mr. Holland stated the tower has been processed through the Police Division, and there are no technical concerns relative to interference.

After discussion, the Commission approved the following resolution:

WHEREAS: The Commission has before it this day a request by T-Mobile on behalf of Omnipoint Communications, to erect a 150' tall freestanding monopole communications tower and equipment shelter on property to be leased from the Hampton School Board at Barron Elementary School, 45 Fox Hill Road; and

WHEREAS: The 2010 Comprehensive Plan contains a Master Plan that allows communications towers on approved sites if they meet specified Zoning Ordinance criteria; and

WHEREAS: Barron Elementary School is an approved Master Plan site and the proposal meets the established Comprehensive Plan and Zoning Ordinance criteria; and

WHEREAS: T-Mobile conducted a community meeting and there was some opposition to the proposal relative to siting a tower on school grounds, potential interference with electronic devices, health impacts and diminished property value; these issues were addressed at the community meeting; and

WHEREAS: There was no opposition to this request at the Planning Commission meeting; and

NOW, THEREFORE: On a motion by Commissioner Timothy B. Smith and seconded by Commissioner Ralph A. Heath,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends that the Hampton School Board approve this proposal.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland and Johns
NAYS:	None
ABST:	None
ABSENT:	None

Mr. O'Neill, read the next public hearing agenda item.

- C. **2010 Comprehensive Plan Amendment:** by the City of Hampton to change pertinent sections of 2010 Comprehensive Plan, to amend land use designations inconsistent with 2004 Downtown Hampton Master Plan. The property affected by this amendment is located at 602 Settlers Landing Road also known as the Carrousel Park Site. This amendment will recommend a change from Community Facilities to Community Facilities/Commercial Mixed-Use. Additional text amendments will be made to replace references to the previous 1989 Downtown Master Plan.

Ms. Irayda Ruiz, City Planner, presented the staff report, a copy of which is attached hereto and made a part hereof. The plan amendment will bring consistency to the city's policies, encourage public/private partnerships and facilitate a more streamlined implementation process. She stated Planning staff requests that the Planning Commission recommend to City Council approval of the plan amendment.

Mr. James Bell, 100 E. College Place, stated in regards to the announcement that appeared in the Daily Press on February 23rd regarding the Carrousel Park. He met on January 21st with Ms. Ruiz, another member of Planning Commission, and spoke with City Council on February 11th regarding Settlers Landing Road. He stated in regards to the article that appeared in the Daily Press January 15th stating that Settlers Landing Road is to be a test pattern and to be closed it down from two lane in each direction to one direction, he wanted to know if the Planning Commission still plans to close the lanes on Settlers Landing Road.

Mr. O'Neill stated the city's current plans are to test the proposal sometime in late spring/early summer with various instruments in order to avoid spending lots of funds. If it works, then the city may proceed to continue on a permanent basis. If it does not work, then it is built into the plan to go back to keeping it open.

Mr. Bell stated his position is to keep the two lanes open in both directions. He mentioned in his meeting on January 21st to Planning staff that if experiment did not work, what would they do, or if they had a plan for off-street parking, why conduct the experiment? He stated Settlers Landing Road is a service to many people, and not just the City of Hampton or people downtown. He stated there are people who live at Hampton Harbor Apartments, College Place, Hampton University, Veterans Administration Hospital, Fort Monroe, and people in Phoebus who depend on Settlers Landing Road. He stated there are five different occasions which causes traffic congestion: 1) Bay Days.; 2) Hampton University homecoming; 3) Parents weekend; 4) Commencement weekend; and 5) Minister's Conference. He invited the Commission to come to those special occasions and see the bottleneck that occurs during these events. He further invited the Commission to come to Bay Days to see the Fire works and the vibrations that occur to the houses and the traffic congestion. He asked that Settlers Landing Road remain open to two lanes of traffic in both directions.

Mr. Dan Seachord, representing Downtown Hampton Development Partnership (DHDP), 14 Pine Lake Court, stated the Board of DHDP represents the property owners and business owners in downtown. They also represent interested residents who live near downtown. He stated the partnership got involved in the project over a year ago when they heard the City of Hampton was bringing in a consultant to do a downtown plan, and the DHDP began their own planning. In the period between January and the time when Mr. Gindroz came to the city, DHDP had more than one hundred people come to their meetings to discuss what they wanted to see in downtown. After all the meetings, DHDP put together their own report which was submitted to Mr. O'Neill and incorporated into the work that Mr. Gindroz prepared. Many of those people later came to the meetings held by Mr. Gindroz. DHDP notified all residents of Pasture Point, Victoria Boulevard and many of the planners and leaders from Old Hampton to attend the meetings. He knows everyone will not accept all aspects of the plan, and nothing is perfect, and there will be people who oppose parts the plan. However, he has seen efforts on the part of Planning staff and DHDP to meet with people who have problems and to work those problems out. This has been a process that has involved large segments of the community and it represents the community's interest. He stated he is present on behalf of DHDP to urge the Commission to adopt the plan.

It is noted that Commissioner Smith stated he echoed Mr. Bell's comments regarding the concern for closing one lane on each side of Settlers Landing Road, but he believes the test will reveal any concerns. He did express his concern regarding the Pentran buses.

It is noted that Commissioner Pilgrim commented that he lives downtown also, and he heard the logic of closing lanes, and that there was more than enough capacity. He has stood many days trying to cross either Eaton Street or Settlers Landing. He stated Newport News and Fort Worth decided that by narrowing the streets, they could control the speed, and it has worked so far.

After discussion, the Commission approved the following resolution:

WHEREAS: The Planning Commission had before it this day a proposal by the City of Hampton, to amend pertinent sections of the 2010 Comprehensive Plan, in order to bring both the text and land use designations into conformity with the recently 2004 Downtown Hampton Master Plan.

WHEREAS: The property affected by this land use amendment is located at 602 Settlers Landing Road also known as the Carousel Park Site. This amendment will recommend a change from Public Parks to Community Facilities/Commercial Mixed-Use; and

WHEREAS: Additional text amendments to the 2010 Comprehensive Plan will be made to replace references to the previous 1989 Downtown Master Plan which are inconsistent with the 2004 Downtown Master Plan.

WHEREAS: The proposal supports Downtown Core initiatives that are considered strategic to the early stages of the implementation process; and

WHEREAS: The plan amendment will bring clarification to this matter, consistency with the City's policies, encourage public/private partnerships and facilitate a more streamlined implementation process; and

WHEREAS: The Downtown Hampton Development Partnership spoke in favor of this amendment; and

NOW, THEREFORE, on a motion by Commissioner Gilliland and seconded by Commissioner Pilgrim,

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council approval of this amendment to the 2010 Comprehensive Plan.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None
ABST:	None
ABSENT:	None

Mr. O'Neill stated to Mr. Bell that the Commissions' action today has nothing directly relating to Settlers Landing Road. It is part of the plan, and perhaps there will be some action on closing the lanes at a future time.

Mr. Bell stated the purpose of closing one lane on each side of Settlers Landing Road is to make it pedestrian friendly. He stated he had suggested to Council : a) to reduce the traffic speed from 35 mph to 25 mph; b) synchronize all traffic signals; or c) put a bridge over Settlers Landing Road to make it more pedestrian friendly.

Mr. O'Neill read the next public hearing agenda item.

- D. **ZONING ORDINANCE AMENDMENT** by the City of Hampton to amend and reenact Chapter 17.3 (SPI-OH Special Public Interest - Old Hampton District). Changes include: Revising the intent to reflect the adoption of the 2004 Downtown Hampton Master Plan; Incorporating a definition for "mixed-use structure" as a building which contains two or more compatible uses (such as residential, office, retail, or parking); Deleting specific design guidelines relating to the 1989 Downtown Hampton Master Plan; Amending permitted uses in the SPI-OH Business and Waterfront areas to include mixed use structures (as defined), multi-family dwellings, and parking garages; and Eliminating minimum lot areas, minimum lot dimensions, and minimum yard regulations in the Business and Waterfront areas.

Ms. Stephanie Mertig, City Planner, presented the staff report, a copy of which is attached hereto, and made a part hereof. She stated Planning staff requests the Planning Commission recommend to City Council approval of the Zoning Ordinance Amendment because the proposal is consistent with recommendations of the 2010 Comprehensive Plan and the 2004 Downtown Hampton Master Plan.

After discussion, the Commission approved the following resolution:

WHEREAS: The City Planning Commission has before it this day a request by the City of Hampton to amend and re-enact Chapter 17.3 (SPI-OH Special Public Interest - Old Hampton District); and

WHEREAS: The purpose of the amendment is to reflect the recommendations of the 2004 Downtown Hampton Master Plan;

WHEREAS: The Amendment would serve to: Revise the intent of the chapter to reflect the adoption of the 2004 Downtown Hampton Master Plan; Incorporate a definition for “mixed-use structure” as a building which contains two or more compatible uses (such as residential, office, retail, public, or parking); Delete specific design guidelines relating to the 1989 Downtown Hampton Master Plan; Amend permitted uses in the SPI-OH Business and Waterfront areas to include mixed use structures (as defined), multi-family dwellings, and parking garages; and Eliminate minimum lot areas, minimum lot dimensions, and minimum yard regulations in the Business and Waterfront areas; and

WHEREAS: The effect of these changes is to facilitate implementation of the 2004 Downtown Hampton Master Plan by promoting pedestrian oriented structures and mixed-uses; and

WHEREAS: No objections were raised by the community at the public hearing.

NOW, THEREFORE, on a motion by Commissioner Gilliland and seconded by Commissioner Glass:

BE IT RESOLVED that the Hampton Planning Commission respectfully recommends to the Honorable City Council that the proposed revision of Chapters 17.3 (SPI-OH Special Public Interest District – Old Hampton) be approved.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None.
ABST:	None.
ABSENT:	None.

ITEM V. PLANNING DIRECTOR'S REPORT

Mr. O'Neill stated Planning staff is requesting authorization for a public hearing to repeal Chapter 20 of the Zoning Ordinance regarding "Use Permits for Residence-Open Space Variable Density Subdivisions (R-OS)." This is a provision that is forced by the General Assembly.

In response to a question by Chairman Johns, Mr. O'Neill stated the request will be presented at the April Planning Commission meeting.

A motion was made by Commissioner Katherine K. Glass, and seconded by Ralph A. Heath to authorize Planning staff a public hearing to repeal Chapter 20 of the Zoning Ordinance regarding Use Permits for Residence-Open Space Variable Density Subdivisions. A vote on the motion resulted as follows:

AYES:	Smith, Heath, Pilgrim, Glass, Wallace, Gilliland, Johns
NAYS:	None.
ABST:	None.
ABSENT:	None.

ITEM VI. ITEMS BY THE PUBLIC

There were no items by the public.

ITEM VII. MATTERS BY THE COMMISSION

There were no matters by the Commission.

ITEM VIII. ADJOURMENT

There being no additional items to come before the Commission, the meeting adjourned at 5:50 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Harold O. Johns
Chairman